



## Michigan Asbestos Symposium for Trainers/Contractors

**T**he MIOSHA Asbestos Program and the National Emission Standards for Hazardous Air Pollutants (NESHAP) Asbestos Program sponsored a day-long symposium on May 6, 2010, titled, "Michigan Asbestos Symposium for Trainers/Contractors." The symposium was held at the Michigan State Police Training Academy in Lansing and provided the latest program information on a wide range of asbestos issues. Both MIOSHA and NESHAP staff provided the training.

Training topics included the EPA's

approach to single-family dwellings; EPA NESHAP issues; notification forms and issues; training, licensing, and accreditation issues; enforcement of standards; investigation procedures; and acceptable work practices.

Approximately 200 people were in attendance. The audience consisted of asbestos trainers, asbestos abatement contractors, general contractors, demolition contractors, city and municipal representatives, university and school personnel, various State of Michigan government staff, consultants, and other interested parties.

## Demolition/Renovation

**C**ities across America are using funds available through the American Recovery and Reinvestment Act (ARRA) to demolish vacant and deteriorating structures to make room for new housing and other buildings. However, in many cases, those in charge of the work may be unaware of the asbestos standards and regulations that need to be followed - particularly asbestos surveys, which can determine whether a building contains the hazardous material.

It is a crucial issue: Asbestos has long been linked to deadly diseases such as lung cancer and mesothelioma, an almost always fatal cancer of the protective lining covering many of the body's organs. Asbestos - which has insulating, acoustical, and fire-protective qualities is most hazardous when inhaled.

The dangers of asbestos make demolition and renovation projects particularly worrisome to health and safety officials, because the work often significantly disturbs any asbestos present, releasing it into the air - and into the lungs of workers and others nearby. Employers have a legal responsibility to protect their workers and the general public from the hazards associated with the improper removal and/or disturbance of asbestos. MIOSHA rules require the controlling authority of a demolition/renovation project to obtain and review a building survey prior to conducting any demolition/renovation work activity.

Diseases like mesothelioma have been directly connected to just this kind of asbestos exposure. The lack of adequate precautions and sufficient warning has often led not only to disease but to asbestos lawsuits that mesothelioma lawyers have won or settled, in many cases, for millions of dollars or more.

In response to such risks, the MIOSHA Asbestos Program has developed a brochure on the rules and risks of handling asbestos - and how to keep exposure and its deadly consequences at bay. This brochure, *Asbestos & Demolition/Renovation MIOSHA's Requirements*, can be found at [www.michigan.gov/asbestos](http://www.michigan.gov/asbestos).



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## Training Requirements

**I**t is important to emphasize that an approved asbestos trainer is responsible to ensure the classes they provide are in compliance with the asbestos standards. A training sponsor may not alter the content or length of an approved asbestos training accreditation course without first receiving permission from the Department. **If a course is cancelled or delayed, the training provider must notify the Asbestos Program no less than one day prior to the course start date.**

The MIOSHA Asbestos Program will not recognize training certificates granted for a partial initial or partial refresher asbestos training course. Anyone who attends a partial course must retake the course in a timely manner to obtain accreditation or sustain their reaccreditation.

The Department is empowered to approve and regulate asbestos trainers under the Asbestos Workers Accreditation Act (i.e., P.A. 440 of 1988, as amended, MCL 338.3406 et seq.). Section 6(2)(d) and (e) of Act 440 authorizes the Department to deny, suspend, or revoke the approval of a training course sponsor for falsification of records, and for failure to adhere to the training standards and requirements of Act 440 and the Environmental Protection Agency's Asbestos Model Accreditation Plan (MAP). Examples of inappropriate activities would be issuing a training certificate to an individual that has not attended an asbestos training accreditation course; adjourning a course early; or failing to notify the department of a canceled scheduled course.

Assuring that individuals involved in asbestos related work activities are properly trained is a key ingredient to achieving and maintaining a reputable asbestos abatement workforce and in assuring the safety and health of Michigan workers.

## Asbestos and Lead Hazards in Construction

**E**xposures to asbestos and lead continue to be the most frequently cited serious health hazards identified by the MIOSHA Construction Safety and Health Division (CSHD). These violations occur primarily on demolition and renovation projects where an asbestos and/or lead survey was incomplete or not conducted at all.

Another significant contributing factor is that project supervisors and workers commonly have not received adequate awareness training for asbestos or lead. They must be taught to not only recognize suspect materials but to also carefully scrutinize survey information to assure all suspect asbestos or lead containing materials in their work areas have been identified and addressed through material sampling and analysis.

In reviewing asbestos surveys, we have noted that the surveys frequently only address "accessible" areas of a building or structure. The survey may not address suspect asbestos-containing materials (ACM) behind walls, above ceilings, beneath carpeting, etc.

Also, an asbestos survey may not properly address multi-layered construction materials such as wall/ceiling plasters that have a mud base coat and skim coat, or dry wall systems composed of dry wall and joint compound, all of which are suspect asbestos-containing materials and distinct homogenous materials (similar color and texture) that must be analyzed separately.

On lead surveys involving painted materials, it is critical to assure all layers of paint colors on a structure have been

included in the survey and analyzed for lead content.

If you encounter suspect asbestos or lead containing materials that have not been addressed in a survey, work activities that disturb these materials should be stopped and reported for proper follow-up.

Please contact the MIOSHA-Asbestos Program with asbestos or lead questions. Asbestos and Lead regulations can also be viewed on the MIOSHA CSHD website at [www.michigan.gov/mioshaconstruction](http://www.michigan.gov/mioshaconstruction).



## Michigan Asbestos Training: What Regulatory Agencies Are Involved?

**A**re you aware that in Michigan, training is required by three different primary state agencies when it comes to the handling of asbestos, its removal, and the transportation of the material as a hazardous waste?

♦ **The DELEG, MIOSHA Asbestos Program** requires that asbestos supervisors (competent person) and workers be trained per the Asbestos Workers Accreditation Act (Michigan Public Act 440 of 1988, as amended), the OSHA Asbestos for General Industry Standard (29 CFR 1910.1001), and the Asbestos Standards for Construction (29 CFR 1926.1101). For a list of certified trainers, for more information about training requirements, and for questions about the federal OSHA standards and training requirements, contact the MIOSHA Asbestos Program or visit their website at [www.michigan.gov/asbestos](http://www.michigan.gov/asbestos).

♦ **The Department of Natural Resource and Environment**

(DNRE) **Asbestos NESHAP Program** requires at least one trained supervisor to be present when asbestos-containing material is stripped, removed, disturbed, or otherwise handled. Training includes, at a minimum: applicability, notification, material identification, control procedures, waste disposal, reporting and recordkeeping, asbestos hazards, and worker protection. Refresher training is required every two years. Evidence of this training must be posted and made available for inspection at the demolition or renovation site.

Additional information about the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) is available on the Internet through the U.S. EPA's homepage ([www.epa.gov/asbestos](http://www.epa.gov/asbestos)). The Asbestos NESHAP notification form, guidelines for completing the form, and regulations are located at [www.michigan.gov/air](http://www.michigan.gov/air).

♦ **Michigan State Police, Hazardous Materials Division** regulates hazmat employers. They are required to certify

and document that Hazmat employees (as defined in 49 CFR 171.9) receive training in accordance with 49 CFR Part 172, Subpart H and Part 177. The training requirements would apply to any employee that transports asbestos, offers asbestos for transportation, prepares asbestos for transportation, or certifies a shipping paper or manifest for transportation. U.S. DOT training requirements cover such topics as general awareness/familiarization with 49 CFR Chapter 1, Subchapter C; function-specific training for employees; safety methods and emergency response procedures; and security awareness training for risks associated with the transport of hazardous materials.

Questions related to the transportation of asbestos can be addressed by the U.S. Department of Transportation's (U.S. DOT) Hazmat Information Center at 202.467.4922. You can also visit the U.S. DOT, Pipeline and Hazardous Materials Safety Administration's website at <http://hazmat.dot.gov>.

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## MIOSHA Connecting to Industry ... for 35 Years

This year "2010" marks the 35th Anniversary of the Michigan Occupational Safety and Health Administration (MIOSHA). For 35 years, MIOSHA has been there to help safeguard our Michigan workers Through staff commitment and stakeholder creativity, MIOSHA continues to provide:

- ◆ Credible, customized and responsive consultation, education and training,
- ◆ Firm, fair and targeted enforcement,
- ◆ Cooperative agreements with individual employers and employees and employer organizations, and
- ◆ Relevant, fact-based standards promulgation.

Should you need to contact MIOSHA, please visit their website at [www.michigan.gov/miosha](http://www.michigan.gov/miosha) or call the toll free number at 800.866.4674 (800-TO-MIOSHA).

## TRAINING SPONSOR MIOSHA - Asbestos Program Update

The Training Sponsor Update is published periodically by the Michigan Occupational Safety & Health Administration (MIOSHA), Asbestos Program, which is responsible for assuring that people working with asbestos or individuals performing asbestos abatement activities are properly trained and comply with rules governing the work activity.

The purpose of the Training Sponsor Update is to share information with Michigan training providers, contractors, and other interested parties, offer suggestions, and present updated information in regard to asbestos. It is hoped that this information will improve course content and structure as well as inform others of asbestos-related matters.

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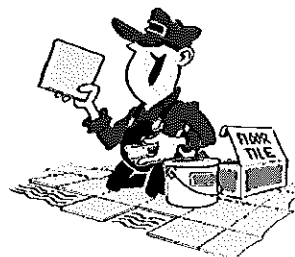
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## Inspection Corner

**W**hat should an Asbestos Inspector do about floor tile under carpeting?

An inspector often does not know if there are different types of floor tiles under carpeting. For example, is there a pattern or design created with different colored floor tiles or are there replacement tiles that vary from the original floor tile? A prudent inspector would assume the floor tiles underneath the carpeting to be asbestos-containing.

When the carpet is removed, it must be performed by no less than 8-hour trained individuals who are supervised by no less than a 12-hour competent person trained individuals should be used because floor tiles may become dislodged or pull up with the carpet and the work would then be considered an asbestos removal project. At the time of carpeting removal, the inspector can determine if there are more than one color and/or type of floor tile and conduct appropriate sampling.



**What should an inspector do about floor tile under floor tile?**

In the case of floor tile under floor tile, it is best to test for asbestos or assume all layers of floor tile are asbestos-containing. Again, an inspector often does not know if there are different floor tiles under the top layer of floor tile. Further, during the removal of the floor tiles, it is unlikely that workers will be able to remove only the top layer of floor tile to reveal any patterns or replacement tile. Therefore, whenever there are multiple layers of floor tile, the floor tile should be assumed to be asbestos-containing and the removal should be done by trained individuals.

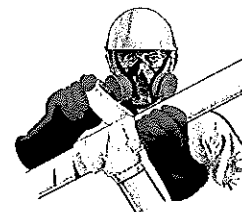
## How To Contact Us MIOSHA - Asbestos Program 517.322.1320

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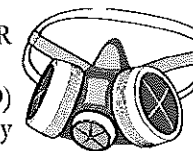
MIOSHA - Asbestos Program

## Respirator Program and Hazard Communication Program

**D**uring inspections and in reviewing MIOSHA Asbestos Program citation history data, we noted that two of the most prevalent citations to asbestos abatement contractors are for non-existent or "Inadequate Respirator and/or Hazard Communication Programs." To address this concern and help alleviate the potential for such citations, the MIOSHA Asbestos Program now requires the submission of these programs as a condition of being licensed as an asbestos abatement contractor.

The respirator programs most common deficiencies are:

- ➔ Respirator program administrator not designated (must be a person) [29 CFR 1910.134 (c)(2)(ii)(3)].
- ➔ Requirements associated with voluntary respirator use not listed or insufficient [29 CFR 1910.134 (c)(2)(i)].
- ➔ Fit test period specified incorrectly [29 CFR 1910.134 (f)(2) requires annual fit tests].
- ➔ Medical evaluation period specified incorrectly [29 CFR 1926.1101 (m)(2)(A-C)].
- ➔ Requirement to complete asbestos questionnaire (Appendix D) in accordance with 29 CFR 1926.1101 (m)(ii)(B) replaced by completion of respiratory protection standard questionnaire (Appendix C) specified by 29 CFR 1910.134 (e)(2)(ii).
- ➔ Procedures to ensure adequate air quality/quantity/flow for supplied air respirators not listed or insufficient [29 CFR 1910.134 (c)(1)(vi)].
- ➔ Procedures for regularly evaluating the effectiveness of the respirator program not listed or insufficient [29 CFR 1910.134 (c)(1)(ix)].
- ➔ Conflicting medical records transfer requirements for physician/employer [29 CFR 1926.1101 (m)(3)(i-v) supercedes 29 CFR 1910.134 (e)(5)(iii)].



Not all respirator programs meet (or even attempt to meet) the asbestos-related aspects of respirator use. Please be diligent to ensure these are covered.

The hazard communication programs most common deficiencies are:

- ➔ Section addressing multi-employer work sites not included or insufficient [29 CFR 1910.1200 (e)(2)].
- ➔ Chemical list not included [29 CFR 1910.1200 (e)(1)(i)].
- ➔ Section addressing non-routine tasks not included or insufficient [29 CFR 1910.1200 (e)(1)(ii)].
- ➔ Abbreviated program is part of company wide safety program. Hazard communication should either be a separate section or a completely separate written program.



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For your convenience, we will assist any and all applicants in developing the above programs. If you need our assistance, please contact us at 517.322.1320, by fax at 517.322.1713, or e-mail at [asbestos@michigan.gov](mailto:asbestos@michigan.gov).

## Did you know that . . .

. . . only the last 4 digits of the Social Security Numbers are now allowed on initial training course certificates. However, the class roster must contain the full social security number.

. . . there are states surrounding Michigan that will not accept training certificates from trainers who train themselves. It is strongly recommended that all trainers obtain training from a training provider other than the company in which they teach.

. . . asbestos-containing materials may be inadvertently installed into a building. Some protection can be obtained by reviewing the material safety data sheets (MSDS) for each suspect material before it is installed in your school or building. Examples of building materials to check BEFORE installation are: ceiling tile, floor tile, roofing materials, dry wall, joint compound, and any other materials that need to be durable or heat resistant. If a material contains asbestos, the manufacturer is required to disclose that fact on the MSDS under "Hazardous Materials". To obtain an MSDS for a particular product, contact the merchant or the manufacturer.

. . . in conducting investigations and during discussions with consultants, we have discovered that requests for air monitoring and its analysis are minimal. Contractors must be aware of the air monitoring requirements. Personal air monitoring and an air clearance are required for many asbestos abatement projects. Please refer to the Demolition brochure for the requirements.

